

Notice of Allowability

Application No.

10/530,286

Examiner

William J. Klimowicz

Applicant(s)

FUNAWATARI ET AL.

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The abstract has been amended since the abstract as originally filed exceeds 150 words. See MPEP 608.01(b), which cites 37 CFR 1.72 (b), and states:

A brief abstract of the technical disclosure in the specification must commence on a separate sheet, preferably following the claims, under the heading "Abstract " or "Abstract of the Disclosure." The ***abstract*** in an application filed under 35 U.S.C. 111 ***may not exceed 150 words in length***. The purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure. The abstract will not be used for interpreting the scope of the claims.

Emphasis in bold italics added. Thus, the following amendment has been made to the abstract:

Abstract Amendment

(I) The original abstract has been deleted in its entirety, and replaced with the following shortened abstract:

-- A disk cartridge housing an optical disk is provided, a rotation wheel is housed rotatably in a cartridge body and which houses the disk and has formed therein a second opening corresponding to a first opening and through which the housed disk is exposed to outside, and a pair of shutter plates which are pivoted in conjunction with the rotation of the rotation wheel to

Art Unit: 2627

uncover the first and second openings when the latter coincide with each other. The rotation wheel has formed at the front side thereof, at which the disk cartridge is first inserted into a disk recorder and/or player, a to-be-operated portion in which a shutter releasing portion of the disk recorder and/or player is engaged, and the to-be-operated portion is formed from a concavity opening the front side of the disk cartridge at which the latter is first inserted into the disk recorder and/or player.--

Additionally, claim 1 contains an obvious misspelling of the word "first" (see claim 1, line 5), in which the term "first opening" is inadvertently phrased as "fist opening." As such the amendment to claim 1, *infra*, is intended to obviate this minor informality without changing the original scope of the claim.

Claim Amendment

(II) With regard to claim 1 (line 5), the word "fist" has been deleted and replaced by the word --first--.

Reasons for Allowance

The following is an Examiner's statement of reasons for allowance:

The prior art of record fails to fairly, teach, show or suggest, by either anticipating or rendering obvious, the invention as set forth in the claims of the instant application.

Furthermore, a search made does not detect the combined claimed elements as set forth in

Art Unit: 2627

the pending claims. Additionally, the reasons for allowance of the claims over the prior art of record is believed to be readily clear, self evident and apparent from the claim language set forth in claim 1, when compared and contrasted with the prior art.

More particularly, the instant invention (as set forth in independent claim 1) provides for a disk cartridge including a cartridge body (e.g., 2) including a lower shell (e.g., 7) having formed therein a first opening (e.g., 24) for write and/read and an upper shell (e.g., 6) butt-joined to the lower shell (e.g., 7), a rotation wheel (e.g., 4) housed rotatably in the cartridge body (e.g., 2) and which houses a disk (e.g., 3) and has formed therein a second opening (e.g., 44) corresponding to the first opening (e.g., 24) and through which the housed disk (e.g., 3) is exposed to outside, and a shutter mechanism provided between the lower shell and rotation wheel and including a pair of shutter plates (e.g., 5a, 5b) which are pivoted in conjunction with the rotation of the rotation wheel (e.g., 4) to uncover the first and second openings (e.g., 24, 44) when the latter coincide with each other. The rotation wheel (e.g., 4) has formed at the front side thereof, at which the disk cartridge is first inserted into a disk recorder and/or player, a to-be-operated portion (e.g., 45) in which a shutter releasing portion of the disk recorder and/or player is engaged, and the to-be-operated portion (e.g., 45) is formed from a concavity opening the front side of the disk cartridge at which the latter is first inserted into the disk recorder and/or player.

The closet prior art includes Inoue (US 6,590,858 B2) who discloses a cartridge body (e.g., 12) including a lower shell (e.g., 15) having formed therein a first opening (e.g., 25b) for write and/read and an upper shell (e.g., 13) butt-joined to the lower shell (e.g., 15), a rotation wheel (e.g., 14) housed rotatably in the cartridge body (e.g., 12) and which houses a disk (e.g.,

11) and has formed therein a second opening (e.g., 42b) corresponding to the first opening (e.g., 25b) and through which the housed disk (e.g., 11) is exposed to outside, and a shutter mechanism provided between the lower shell and rotation wheel and including a pair of shutter plates (e.g., 18a, 18b) which interact with the rotation wheel (14) to uncover the first and second openings (e.g., 25b, 42b) when the latter coincide with each other.

Inoue (US 6,590,858 B2), however, does not teach, show or suggest, the invention, as set forth in claim 1 of the instantly claimed invention, including wherein the rotation wheel has formed at the front side thereof, at which the disk cartridge is first inserted into a disk recorder and/or player, a to-be-operated portion in which a shutter releasing portion of the disk recorder and/or player is engaged, and the to-be-operated portion is formed from a concavity opening the front side of the disk cartridge at which the latter is first inserted into the disk recorder and/or player.

The wheel of Inoue (US 6,590,858 B2) is actuated at a side of the cartridge (e.g., see FIGS. 22 and 23 of Inoue (US 6,590,858 B2)).

Thus, Inoue (US 6,590,858 B2) does not disclose the invention as set forth in the manner, function and relationship relative to other claimed structure as prescribed by the independent claim 1.

Additionally, Inoue (US 6,590,858 B2) does not provide, alone or in combination with the art of record or general knowledge within the art, any suggestion or teaching for the invention as set forth in the independent claim 1.

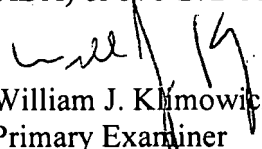
Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William J. Klimowicz
Primary Examiner
Art Unit 2627

WJK